United States District Court Southern District of Texas

ENTERED

September 30, 2021
Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

REBEKAH SHERRILL,	§
	§
Plaintiff.	§
	§
VS.	§ CIVIL ACTION NO. 4:20-cv-01475
	§
S&D CARWASH MANAGEMENT,	§
LLC D/B/A QUICK QUACK CAR	§
WASH AND JMT SPINDRIFT	§
PARTNERS, LLC,	§
	§
Defendants.	§

ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

On August 11, 2021, S&D Carwash Management, LLC, d/b/a Quick Quack Car Wash's ("S&D") Motion to Dismiss or, in the Alternative, Compel Arbitration (Dkt. 50) and JMT Spindrift Partners, LLC's ("JMT") Motion for Summary Judgment (Dkt. 54) were referred to United States Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1)(A). See Dkt. 66. Judge Edison filed a Memorandum and Recommendation on September 15, 2021, recommending that: (1) S&D's motion be **GRANTED** in part and **DENIED** in part; (2) JMT's motion be **GRANTED** in so far as it requests the Court refer the matter to arbitration; and (3) all claims brought by Plaintiff be referred to arbitration and this matter **STAYED** pending resolution of the arbitration. See Dkt. 70.

On September 29, 2021, Plaintiff filed her Objections. Dkt. 71. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and Recommendation; the pleadings; and the record. The Court ACCEPTS Judge Edison's Memorandum and Recommendation and ADOPTS it as the opinion of the Court. To be clear, nothing in Judge Edison's Memorandum and Recommendation, or this Order adopting the Memorandum and Recommendation, is intended to suggest that Defendants were (or were not) Plaintiff's single employer. That is an issue for the arbitrator to decide. It is therefore **ORDERED** that:

(1) Judge Edison's Memorandum and Recommendation (Dkt. 70) is APPROVED and **ADOPTED** in its entirety as the holding of the Court;

(2) S&D's Motion to Dismiss or, in the Alternative, Compel Arbitration (Dkt. 50) is **GRANTED** in part and **DENIED** in part;

(3) JMT's Motion for Summary Judgment (Dkt. 54) is GRANTED in so far as it requests the Court refer the matter to arbitration; and

(4) All claims brought by Plaintiff are referred to arbitration and this matter is **STAYED** pending resolution of the arbitration.

It is so **ORDERED**.

SIGNED and ENTERED this 30th day of September 2021.

UNITED STATES DISTRICT JUDGE